

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SOFTVIEW LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	
APPLE INC.; HTC CORP.; HTC AMERICA)	C.A. No. 10-389 (LPS)
INC.; EXEDEA, INC.; HUAWEI)	12-984 (LPS)
TECHNOLOGIES, CO., LTD.;)	12-985 (LPS)
FUTUREWEI TECHNOLOGIES INC.; LG)	12-986 (LPS)
ELECTRONICS, INC.; LG ELECTRONICS)	12-987 (LPS)
USA, INC.; LG ELECTRONICS)	12-988 (LPS)
MOBILECOMM USA INC.; SAMSUNG)	12-989 (LPS)
ELECTRONICS CO. LTD.; SAMSUNG)	12-990 (LPS)
ELECTRONICS AMERICA, INC.;)	12-991 (LPS)
SAMSUNG TELECOMMUNICATIONS)	
AMERICA LLC; DELL INC.; KYOCERA)	
CORP.; KYOCERA WIRELESS CORP.;)	
MOTOROLA MOBILITY INC.; SONY)	
ERICSSON MOBILE COMMUNICATIONS)	
(USA) INC.; and AT&T MOBILITY LLC,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO EXTEND CLAIM CONSTRUCTION
ISSUE IDENTIFICATION AND BRIEFING DEADLINES
AND REQUEST FOR EXPEDITED CONSIDERATION**

Defendants respectfully move the court, pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), to extend the claim construction issue identification and briefing deadlines as follows:

Deadline	Current Date	New Date
Exchange list of proposed claim constructions	August 8, 2012	August 22, 2012
Submit Joint Claim Construction Chart	August 17, 2012	August 31, 2012
Initial briefs on claim construction issues	September 7, 2012	September 21, 2012
Answering/responsive briefs	October 5, 2012	October 12, 2012
Claim construction hearing	October 30, 2012	*unchanged*

Two days ago, the parties exchanged lists of claim terms(s)/phrase(s) that they believe need construction. Under the current schedule, the parties have only until next Wednesday, August 8, 2012 to exchange proposed constructions of those terms. Defendants seek a two-week extension of that date, so that they can consider all of the terms that have been exchanged and can coordinate their response. This short extension will provide the parties sufficient time to narrow the issues in dispute and reduce the number of claim term(s)/phrase(s) that will require construction by the Court. The requested extension will not affect the October 30, 2012 claim construction hearing date or any other deadlines in the Court's March 19, 2012 Scheduling Order. Plaintiff SoftView LLC ("SoftView") has declined to agree to the requested extension, but has not provided any reason for doing so.

In light of the upcoming August 8, 2012 deadline to exchange proposed claim constructions, Defendants further request that SoftView be required to file any response to this motion no later than Monday, August 6, 2012.

I. FACTS

The Court's March 19, 2012 Scheduling Order originally required that the parties exchange a list of claim terms(s)/phrase(s) that they believe need construction, and their proposed claim construction of those terms, on August 1, 2012, and submit a Joint Claim Construction Chart to the Court on August 17, 2012. (D.I. 250 at 13.) The parties previously agreed to extend the deadline to exchange proposed claim constructions to August 8, 2012. On August 1, 2012, the parties exchanged lists of term(s)/phrase(s) for construction. SoftView proposed 13 terms for construction, and Defendants proposed 40 terms. In light of the large number of terms at issue, Defendants seek a two-week extension of time, to August 22, 2012,

to exchange proposed claim constructions with SoftView, and a corresponding extension of the deadlines for submission of the Joint Claim Construction chart and claim construction briefing.

II. ARGUMENT

“When an act . . . must be done within a specified time, the court may, for good cause, extend the time . . . if a request is made, before the original time or its extension expires.” Fed. R. Civ. P. 6(b)(1)(A). Good cause exists to extend the deadlines as requested by Defendants. The Android Defendants¹ have only received SoftView’s responses to their infringement contention interrogatories beginning on July 19, 2012, with the last of these responses served yesterday, August 2, 2012. SoftView’s claim charts range from 80 to over 400 pages, depending on the defendant, and Defendants need adequate time to review and analyze SoftView’s contentions before finalizing their claim construction positions.

Further, allowing a modicum of extra time before exchanging proposed constructions will allow the large group of defendants to confer among themselves to seek to reduce the number of terms that they believe need construction, which will benefit both SoftView and the Court. A smaller number of terms will facilitate the meet and confer between SoftView and the Defendants, allowing the parties to narrow and focus the disputed issues before submission of the Joint Claim Construction Chart to the Court.

Moreover, Defendants’ requested extension will not prejudice SoftView in any way. In fact, allowing Defendants this extra time will help both SoftView and the Court by reducing the number of claim terms that must be briefed and construed. The short extension of the briefing

¹ The term “Android Defendants” is defined in the Court’s March 19, 2012 Scheduling Order. (*See* D.I. 250 at 2.)

schedule will not impact the date of the claim construction hearing, or any subsequent deadlines set forth in the Court's March 19, 2012 Scheduling Order.

III. REQUEST FOR EXPEDITED CONSIDERATION

In light of the upcoming deadline to exchange proposed claim constructions on Wednesday, August 8, 2012, Defendants respectfully request expedited consideration of the instant motion, and request the Court to order that any response to the motion be filed no later than Monday, August 6, 2012.

IV. CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court order SoftView to file any response to this motion by August 6, 2012, and further that the Court grant Defendants' motion and extend the claim construction issue identification and briefing deadlines as set forth above.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

OF COUNSEL:

/s/ Jack B. Blumenfeld

William H. Boice
KILPATRICK, TOWNSEND & STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309
(404) 815-6500

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200

Daniel S. Young
Laura K. Mullendore
KILPATRICK, TOWNSEND & STOCKTON LLP
1400 Wewatta Street
Suite 600
Denver, CO 80202
(303) 571-4000

jblumenfeld@mnat.com
rsmith@mnat.com

Attorneys for Defendant AT&T Mobility LLC

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

/s/ Richard L. Horwitz

Josh A. Krevitt
H. Mark Lyon
Alison Watkins
Stuart M. Rosenberg
Neema Jalali
GIBSON DUNN & CRUTCHER LLP
1881 Page Mill Road
Palo Alto, CA 94304
(650) 849-5300

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza
6th Floor
1313 North Market Street
Wilmington, DE 19899
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Defendants Apple Inc. and
AT&T Mobility LLC*

SHAW KELLER LLP

OF COUNSEL:

/s/ John W. Shaw

Leo L. Lam
Ashok Ramani
Justina K. Sessions
KEKER & VAN NEST LLP
633 Battery Street
San Francisco, CA 94111
(415) 391-5400

John W. Shaw (#3362)
800 Delaware Avenue
4th Floor
Wilmington, DE 19801
(302) 559-9623
jshaw@shawkeller.com

*Attorneys for Defendants HTC Corp., HTC
America Inc., and Exede Inc.*

RICHARDS, LAYTON & FINGER, P.A.

OF COUNSEL:

/s/ Anna Shea Gaza

Eliot D. Williams
Brian Boerman
BAKER BOTTS LLP
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500

Frederick L. Cottrell, III (#2555)
Anne Shea Gaza (#4093)
920 North King Street
Wilmington, DE 19801
(302) 651-7700
cottrell@rlf.com
gaza@rlf.com

*Attorneys for Defendants Huawei
Technologies Co., Ltd. and Futurewei
Technologies, Inc.*

GREENBERG TRAURIG, LLP

OF COUNSEL:

/s/ Gregory Erich Stuhlman

Herbert H. Finn
Eric J. Maiers
Barry Horwitz
GREENBERG TRAURIG, LLP
77 West Wacker Drive
Suite 3100
Chicago, IL 60601
(312) 456-8400

Gregory Erich Stuhlman (#4765)
The Nemours Building
1007 North Orange Street
Suite 1200
Wilmington, DE 19801
(302) 661-7381
stuhlmang@gtlaw.com

*Attorneys for Defendants LG Electronics,
Inc., LG Electronics USA, Inc., and LG
Electronics Mobilecomm USA Inc.*

YOUNG, CONAWAY, STARGATT & TAYLOR LLP

OF COUNSEL:

/s/ Monte Terrell Squire

Christine S. Haskett
Michael K. Plimack
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111
(415) 591-6000

Adam Wyatt Poff (#3990)
Monté Terrell Squire (#4764)
The Brandywine Building
1000 West Street
17th Floor
P.O. Box 391
Wilmington, DE 19899
(302) 571-6600
apoff@ycst.com
msquire@ycst.com

*Attorneys for Defendants Samsung
Electronics Co. Ltd., Samsung Electronics
America, Inc., and Samsung
Telecommunications America LLC*

RICHARDS, LAYTON & FINGER, PA

OF COUNSEL:

/s/ Steven J. Fineman

James W. Morando
Cathleen G. Garrigan
Erik C. Olson
FARELLA BRAUN & MARTEL LLP
Russ Building
235 Montgomery Street
17th Floor
San Francisco, CA 94104
(415) 954-4400

Steven J. Fineman (#4025)
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700
fineman@rlf.com

Attorneys for Defendant Dell Inc.

PHILLIPS, GOLDMAN & SPENCE, P.A.

OF COUNSEL:

/s/ John C. Phillips, Jr.

Eric C. Cohen
Michael A. Dorfman
KATTEN MUCHIN ROSENMAN LLP
525 West Monroe Street
Chicago, IL 60661
(312) 902-5200

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
jcp@pgslaw.com
mch@pgslaw.com

*Attorneys for Defendants Kyocera Corp. and
Kyocera Wireless Corp.*

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

OF COUNSEL:

/s/ Jack B. Blumenfeld

William H. Boice
Candice C. Decaire
Richard Goldstucker
KILPATRICK, TOWNSEND & STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309
(404) 815-6500

Jack B. Blumenfeld (#1014)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com

*Attorneys for Defendant Motorola Mobility,
Inc.*

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

OF COUNSEL:

/s/ Rodger D. Smith II

John H. McDowell, Jr.
Benjamin J. Setnick
ANDREWS KURTH LLP
1717 Main Street
Suite 3700
Dallas, TX 75201
(214) 659-4400

Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
rsmith@mnat.com

*Attorneys for Defendant Sony Ericsson
Mobile Communications (USA) Inc.*

Dated: August 3, 2012

RULE 7.1.1 CERTIFICATION

I hereby certify that counsel for AT&T Mobility LLC made a reasonable effort to reach agreement with counsel for SoftView LLC on the matters set forth in this motion. However, no agreement could be reached.

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2012, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 3, 2012, upon the following in the manner indicated:

Steven L. Caponi, Esquire
BLANK ROME LLP
1201 North Market Street, Suite 800
Wilmington, DE 19801
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Morgan Chu, Esquire
Samuel K. Lu, Esquire
Amir Naini, Esquire
Craig Johnson, Esquire
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)